

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL RIVERA,
Plaintiff,

-v-

HOME DEPOT U.S.A. INC.,
Defendant and Third-Party Plaintiff,

-v-

BRYAN'S HOME IMPROVEMENT CORP.,
Third-Party Defendant.

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KATHERINE B. FORREST, District Judge:

This action having been commenced September 27, 2016 by the filing of the Complaint (ECF No. 1); and

The Court having granted, in part, the Motion for Summary Judgment filed by plaintiff Daniel Rivera on March 23, 2018 (ECF No. 104) in the amount of \$6,593,495.00 (ECF No. 120); and

Plaintiff having subsequently withdrawn his request for future economic damages related to potential surgical interventions (ECF No. 122); and

The parties having agreed on the quantum of plaintiff's past economic damages already incurred in the amount of \$230,631.44 by Stipulation dated August 9, 2018 (ECF No. 143 at 5); and

The issues of past and future pain and suffering having come on for trial, and a jury having returned a verdict on April 11, 2018 on behalf of the plaintiff in the aggregate amount of \$1,845,000 (\$135,000 of which is attributable to past pain and suffering) (ECF No. 136); and

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The Court, simultaneous to entry of this Judgment, having entered judgment in favor of plaintiff and against defendant/third-party plaintiff Home Depot U.S.A., Inc. in accordance with the Court's prior rulings and in the following amounts:

- | | | |
|--------------------------------|---|---------------------|
| 1. Economic Damages (past) | - | \$230,631.44 |
| 2. Economic Damages (future) | - | \$6,593,495.00 |
| 3. Pain and suffering (past) | - | \$135,000.00 |
| 4. Pain and suffering (future) | - | \$1,710,000.00; and |

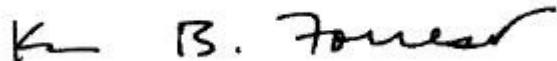
The Court having granted defendant/third-party plaintiff Home Depot U.S.A., Inc.'s motion for summary judgment on its contractual and common law indemnification claims as against third-party defendant Bryan's Home Improvement Corp. prior to trial (ECF No. 75), it is hereby

ORDERED, ADJUDGED, AND DECREED that defendant/third-party plaintiff Home Depot U.S.A., Inc. shall have judgment against third-party defendant Bryan's Home Improvement Corp. in accordance with the Court's prior rulings and in the amount of \$8,669,126.44 plus allowable interests and costs.

The parties retain all rights to appeal the Court's prior rulings existing as of this date.

SO ORDERED.

Dated: New York, New York
 May 4, 2018



KATHERINE B. FORREST
United States District Judge